

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WESLEY and BARBARA STREIT,)
Plaintiff,)
v.) No. 15-cv-2461
METROPOLITAN CASUALTY) Judge Sharon J. Coleman
INSURANCE COMPANY,)
Defendant.)

JOINT MOTION FOR ENTRY OF FINAL JUDGMENT

Plaintiffs, Wesley and Barbara Streit, and Defendant, Metropolitan Casualty Insurance Company, by and through their respective counsel of record, for their Motion to for Entry of Final Judgment, state as follows:

1. On November 4, 2015, this Court granted in part and denied in part the Streit's motion for partial summary judgment and denied Metropolitan's motion for partial summary judgment. The Court adopts and incorporates its Memorandum Opinion and Order [D.E. 19] as though fully set forth herein. The Court's November 4, 2015, order left undecided the issues of damages and whether the Streits were innocent of any wrongdoing associated with the August 5, 2014 fire.

2. On May 27, 2016, this Court denied Metropolitan's Motion to Reconsider its November 4, 2015 ruling, and denied the Streit's Motion for Judgment on the Pleadings. The Court adopts and incorporates its Memorandum Opinion and Order [D.E. 42] as though fully set forth herein.

3. Trial in this matter is currently set for September 12, 2016.

4. The parties, by and through their respective undersigned counsel, have reached an agreed stipulation resolving the outstanding issues. A copy of the parties Stipulation is attached as Exhibit A.

5. Accordingly, the parties request that this Court, upon the stipulation of the parties find and enter a final judgment in accordance with the following:

- a. the Court finds and declares that the Streits are innocent of any wrongdoing associated with the August 5, 2014 fire to their Lake in the Hills, Illinois residence. The Streits did not set the fire. Nor did they direct, authorize, instruct, or consent to their son, Wesley, Jr., setting the fire.
- b. Judgment is entered in favor of the Streits and against Metropolitan on Count I of the Complaint and on Metropolitan's affirmative defense.
- c. Judgement is entered in favor of the Streits and against Metropolitan on Count II of the Complaint in the amount of \$235,000.00.
- d. Count III of the Complaint is dismissed, with prejudice.
- e. The Streits waive any claim of prejudgment interest and costs.
- f. In the event Metropolitan pays the mortgagee claim submitted by Nationstar Mortgage, then Metropolitan will be entitled to a set-off against the \$235,000 judgment, to the extent of its payment.
- g. If the mortgagee claim is paid, then Metropolitan will release any assignment it takes to the extent of such payment if Metropolitan appeals this judgment order and it is affirmed.

6. Accordingly, the parties request that this Court entered its proposed Final Judgment Order.

WHEREFORE, Plaintiffs, Wesley and Barbara Striet, and Defendant, Metropolitan Casualty Company, respectfully request that this Court enter Final Judgment in accordance with their proposed stipulation and enter any further and additional relief this Court deems just and appropriate.

Metropolitan Casualty Insurance Company

By/s/ Thomas J. Finn
Thomas J. Finn

Wesley and Barbara Streit

By:/s/ Edward Eshoo, Jr.
Edward Eshoo, Jr.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed electronically with the above-captioned court, with notice of case activity to be generated and sent electronically by the Clerk of said court (with a copy to be mailed to any individuals who do not receive electronic notice from the Clerk) on July 28, 2016 to:

Thomas J. Finn
Leahy, Eisenberg & Fraenkel, Ltd.
33 W. Monroe Street, Suite 1100
Chicago, IL 60603
P: (312) 368-4554 x.120
F: (312) 368-4562
tjf@lef ltd.com

Attorney for Defendant

/s/ Edward Eshoo, Jr.
Edward Eshoo, Jr.
Merlin Law Group
181 W. Madison Street, Suite 3475
Chicago, Illinois 60602
Telephone: (312) 260-0806
Facsimile: (312) 260-0808
eeshoo@merlinlawgroup.com
Attorneys for Plaintiffs